

AUG 27 10 10 AM '03

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.622(b),)

Table of Allotments,)

Digital Television Broadcast Stations.)

(Conway, South Carolina))

MB Docket No. 03-110

RM-10700

REPORT AND ORDER**(Proceeding Terminated)****Adopted: August 20, 2003****Released: August 27, 2003**

By the Chief, Video Division:

1. At the request of South Carolina Educational Television Commission ("SCETV"), licensee of noncommercial educational station WHMC-TV, NTSC channel *23, Conway, South Carolina, the Commission has before it the Notice of Proposed Rule Making, 18 FCC Rcd 9320 (2003), proposing the substitution of DTV *9 for station WHMC-TV's assigned DTV channel *58. SCETV filed comments restating its interest in applying for DTV channel *9, if allotted.¹ Cox filed comments noting that SCETV and Cox have signed a DTV Consent Agreement.

2. We believe the public interest would be served by substituting DTV channel *9 for DTV channel *58 since it would permit SCETV to operate on an in-core channel while reducing the agency's need to construct two DTV facilities, thereby reducing its construction costs. DTV channel *9 can be allotted to Conway, South Carolina, as proposed, in compliance with the principle community coverage requirement of Section 73.625(a) at coordinates 33-56-58 N. and 79-06-31 W. DTV channel *9 can be allotted to Conway for station WHMC-DT with the following specifications:

<u>State & City</u>	<u>DTV Channel</u>	<u>DTV power (kW)</u>	<u>Antenna HAAT (m)</u>	<u>DTV Service Pop. (thous.)</u>
SC Conway	*9	20	250.2	619

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 14, 2003, the DTV

¹ SCETV filed a copy of a DTV Consent Agreement between SCETV and WSOC Holdings, Inc. ("Cox"), licensee of station WSOC(TV), NTSC channel 9, Charlotte, North Carolina. The agreement states that SCETV has agreed to accept interference that may be caused to WHMC-DT by WSOC-DT. Since SCETV's channel substitution proposal complies with all of the Commission's technical rules and fully protects WSOC, we find it is not necessary to review the agreement to determine if it is consistent with the public interest. Should Cox decide to use channel 9 for its permanent DTV channel, interference issues would have to be reviewed in the context of the standards in existence at the time. Accordingly, we pass no judgment on the DTV Consent Agreement.

Table of Allotments, Section 73.622(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Conway, South Carolina	*9

4. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, the South Carolina Educational Television Commission shall submit to the Commission a minor change application for a construction permit (FCC Form 340) specifying DTV Channel *9 in lieu of DTV Channel *58 for station WHMC-DT.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau